

REMARKS

INTRODUCTION:

In accordance with the foregoing, claim 25 has been amended in order to address the Examiner's objection on page 2 of the Office Action without narrowing the scope of the claim. No new matter is being presented, and approval and entry are respectfully requested.

Claims 6, 7, 9, 10, and 16-28 are pending and under consideration. Reconsideration is requested.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response because:

(1) the amendment of claim 25 and the enclosed Terminal Disclaimer should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and

(2) the amendment of claim 25 and the enclosed Terminal Disclaimer do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

PROVISIONAL OBVIOUSNESS TYPE DOUBLE PATENTING REJECTION:

In the Office Action at pages 2-4, the Examiner provisionally rejects claims 16-18 and 23 under the judicially created doctrine of obviousness-type double patenting in view of U.S. Patent Application No. 10/020,980. In view of the enclosed Terminal Disclaimer, it is respectfully requested that the Examiner reconsider and withdraw the rejection.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for

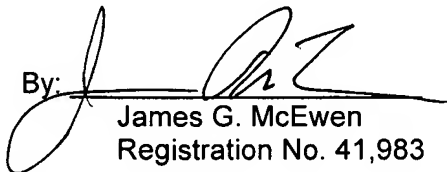
allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any additional fees associated with the filing of this Response, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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